

### **REMARKS**

Claims 1-5 are pending in the application. By this Amendment, claims 2-5 have been amended, claim 1 has been canceled and claims 6 and 7 have been added. It is submitted that this Amendment is fully responsive to the Office Action dated April 28, 2009.

### **Priority Document Acknowledgment**

On page 1, item 12 of the Action, while acknowledgment is made of a claim for foreign priority under 35 U.S.C. §119(a)-(d) or (f), the Examiner appears to inadvertently omit to mark checkboxes. As such, it is respectfully requested that the Examiner selects the checkbox No. 3.

### **Claim Rejections - 35 U.S.C. §103**

**Claims 1-4 are rejected under 35 U.S.C. §103(a) as being unpatentable over Novak et al. (U.S. Patent No. 4,841,124) in view of Wegener (U.S. Patent No. 6,601,426).**

This rejection is respectfully traversed. Claim 2, as amended, now calls for the feature of “*wherein the circumferential-direction position adjusting structure includes a rail mounted on a surface of the first piping.*” Independent claim 3 also has been amended to include similar feature. This amendment is supported by, for example, Fig. 1 and the specification (page 8, lines 15-22).

Fig. 1 of Novak discloses a vertical riser pipe 14 connected, at its one end, to a horizontal header pipe 13. On page 3 of the Action, the Examiner alleges that the vertical riser pipe 14 of Novak corresponds to a first piping of the present claims and the horizontal header pipe 13 of Novak corresponds to a second piping of the present claims. However, Novak clearly describes that a **saddle-shaped track 16** is mounted on **the surface of the horizontal header pipe 13** (please see Col. 3, lines 60-61 and Fig. 1) by using six threaded rods 85 (Fig. 7 and Col. 6, lines 38-41).

In other words, the track 16 of Novak is mounted on the **pipe 13** which is alleged, by the Examiner, as corresponding to the **second piping**. On the contrary, in the present claims, the circumferential-direction position adjusting structure includes a **rail** mounted on a surface of **the first piping**. Accordingly, Novak is SILENT regarding the amended feature that the **rail** is mounted on a surface of **the first piping**. Moreover, another cited reference of Wegener is UNRELATED TO and SILENT regarding a T-piping, and thus, also UNRELATED TO and SILENT regarding the amended feature that the **rail** is mounted on a surface of **the first piping**.

Therefore, even if, assuming *arguendo*, that Novak may be combined with Wegener in the manner suggested by the Examiner, such combination would still fail to disclose or fairly suggest the claimed feature of “*wherein the circumferential-direction position adjusting structure includes a rail mounted on a surface of the first piping,*” as called for in amended claim 2 and similarly in amended claim 3.

Accordingly, claims 2 and 3 distinguish over Novak and Wegener. Claim 4 is dependent from claims 2 or 3 and recites the additional features set forth therein. Accordingly claim 4 also distinguishes over Novak and Wegener for at least the reasons set forth above.

**Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Novak et al. (U.S. Patent No. 4,841,124) in view of Wegener (U.S. Patent No. 6,601,426) in view of Schadler (U.S. Patent No. 6,825,438).**

This rejection is respectfully traversed. Claim 5 is dependent from claims 2 or 3 and recites the additional features set forth therein. Accordingly claim 5 also distinguishes over Novak, Wegener and Schadler for at least the reasons set forth above.

#### **New Claims**

The subject matters of new claims 6 and 7 are supported by, for example, Fig. 1 and the specification (page 8, lines 15-22). New claims 6 and 7 are dependent from claims 2 or 3 and recite the additional features set forth therein. Accordingly claims 6 and 7 also distinguish over Novak, Wegener and Schadler for at least the reasons set forth above.

Application No. 10/590,902  
Art Unit: 3742

Amendment under 37 C.F.R. §1.111  
Attorney Docket No. 062790

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,  
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